

### **REMARKS**

Examination of this application with the afore-mentioned election and in view of the following remarks is respectfully requested.

Claims 1 - 18 were originally in this application. Claim 1 has been further amended to include the additional limitations of Claim 4 and hence Claim 4 has been canceled in response to this Office Action in this prosecution. Claim 18 has been further amended to eliminate the reference to the now canceled Claim 4 (the reference to Claim 5 was eliminated in the 3/11/06 filed amendment). The previously withdrawn Claims 6-8 and 14-19 in the election of Species A, were all re-presented in the 3/11/06 filed amendment. As now amended Claims 1-3 and 6-18 are currently in this application and are allowable.

Claim 1 has been amended by adding the limitations of former Claim 4 to further clarify the novelty of this invention and meet the objections of the Examiner and as discussed below demonstrate that this invention is neither anticipated or rendered obvious by any of the references cited in this office action. By amending Claim 1 to include the limitations of Claim 4, the limitations "the reversible thermoelectric cooler" and "the user adjustable electronic controller" each now have an antecedent basis in the claim, this responding effectively to the Examiner's 35 U.S.C. §112 rejection. The currently amended Claims having been discussed with the Examiner in an informal telephone interview of August 17, 2006, and determined to be allowable if responsive to the final office action. Therefore, the Applicant asserts that as amended herein, the instant application is allowable as amended.

### **DISCUSSION**

This communication is a response to the office action for Harvie U.S. Patent Application No. 10/775,418.

#### **Claim rejections.**

In the parent application the dependent Claim 5 was determined by the Examiner to be allowable if rewritten in independent form including all the limitations of the base claim and any

intervening claims, which included the limitations of Claim 4, however, Claim 1 was not amended in the 3/11/06 Office Action Response to include the limitations of Claim 4. Consequently, in the instant application Claim 1 is now being further amended to include all the limitation language of Claim 4 thus meeting the Examiner's rejection and rendering Claim 1 allowable. Claim 4 is being canceled being rendered redundant by the inclusion of its language in Claim 1. Pursuant to the Examiner's comments regarding the similar Claims of the parent application, Claim 1 of the instant application has been amended to include the limitations set forth in the allowable Claim 4 thus rendering them allowable as stated in the Office Action. Previously withdrawn Claims 6-8 and 14-17 have all been previously re-presented and are included in this application. Since these Claims are dependent upon the newly amended and now allowable generic Claim 1 there is no Species election requirement and as such are allowable subject matter. As amended Claims 1-3 and 6-18 are all allowable.

The Applicant previously responded to this rejection by filing a terminal disclaimer herewith pursuant to 37 CFR 1.321(c) to overcome the Examiner's non-statutory double patenting rejection.

The Applicant has amended the Application pursuant to the Examiner's written and oral objections (regarding the parent application) and statements made respecting novelty.

There is no additional fee due with respect to this filing.

On the basis of the above amendment, further examination of the application is believed to be warranted and allowance of the application as amended is believed to also be warranted.

Respectfully submitted,



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